

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
JANUARY 19, 2010

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on January 19, 2010, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman, Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

APPROVAL OF MINUTES

Mayor Wall called for approval of the minutes of the work session of January 4, 2010, and the Council meeting of January 5, 2010.

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to approve the minutes of the above-referenced meetings.

ADOPTION OF AGENDA

Upon motion by Councilmember Butler, seconded by Councilmember Huffman, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

ITEM 1:

- A) To set a date of public hearing for February 2, 2010, for citizens to comment on the Area Housing and Neighborhood

Improvement Needs and proposed activities for fiscal year 2010-11 Community Development Program.

- B) To approve an interlocal agreement between the City of High Point and the City of Burlington to purchase water and wastewater chemicals.
- C) Budget Amendment - 2010-30 - Recognize Insurance Proceeds - Guardrail

BA2010-30

Increase Revenues:

010-37110-0000	Insurance Refund	\$3,300
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Increase Expenditures:

010-56562-1503	Patching - Crack Material	\$3,300
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Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to approve the foregoing consent agenda.

PUBLIC HEARINGS:

ITEM 2: CORRECT CLERICAL ERROR - CITY OF BURLINGTON ZONING ORDINANCE TEXT

Mayor Wall announced that a public hearing had been scheduled to consider amending a clerical error in the City of Burlington Zoning Ordinance, Section 32.9, Table of Permitted Uses, pertaining to dwellings.

Director of Planning and Economic Development Bob Harkrader explained that in December 1996, Council considered several amendments to the Zoning Ordinance text and that among those amendments were changes to Section 32.9, Table of Permitted Uses. He said that one of the amendments was not approved by Council; however, through a clerical error, the PERMITTED USES column incorrectly listed this use as if it had been approved. He stated that the purpose of the public hearing was to acknowledge this error for the public record and issue corrected copies of the Zoning Ordinance text.

Mr. Richard Parker, 552 Parkview Drive, asked specifically what was being corrected, and Mr. Harkrader pointed out the item

in the Table of Permitted Uses.

Mr. Harkrader reiterated that amending the Zoning Ordinance text, acknowledging the error and having the public hearing would correct it and bring closure.

Upon motion by Mayor Pro Huffman, seconded by Councilmember Ross, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

10-02

ORDINANCE TO AMEND SECTION 32.9, TABLE OF PERMITTED USES, OF THE CITY OF BURLINGTON ZONING ORDINANCE TEXT TO CORRECT CLERICAL ERROR

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1: That a page in Section 32.9, Table of Permitted Uses, of the Burlington Zoning Ordinance be amended to correct a clerical error as follows:

FROM:

DWELLINGS, attached or detached multifamily; one owner, one lot

TO:

DWELLINGS, attached multifamily; one owner, one lot

Section 2: That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3: That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

ITEM: 3: REZONE PROPERTY - FLORA AVENUE - PHYSICIAN'S OFFICE

Mayor Wall announced that a public hearing had been scheduled to consider rezoning from R-6, Residential District, to COI, Conditional Office-Institutional District, for a physician's office. The property is located on the north side of Flora Avenue approximately 1,000 feet from West Webb Avenue as shown on Alamance County Tax Map 3-5, a portion of Lot 22 consisting of 2.654 acres.

Mr. Donald K. Blanchard, Jr., representing Dr. Javed Masoud, stated that a previous request for rezoning was for Office-Institutional on a larger tract which included this property, and the current request offers more details about development for a portion of Lot 22. He said that an attorney secured by the petitioner had contacted adjoining neighbors, who had wanted more specific details about future plans, and that they were informed that an additional driveway would be added to access the development and that there would be a new fire hydrant. Mr. Blanchard displayed a map that showed additional changes and outlined 20 development conditions.

Ms. Peggy Roberts, 1609 Jeffries-Graham Trail, asked for assurance that there would be a buffer and that all conditions would be met. She asked what the repercussions would be if they were not met, and Mr. Harkrader replied that they would have to be met before permits would be issued.

Ms. Jeanne Thompson spoke against the rezoning because she feared that it would lead to business rezoning requests in the neighborhood. Ms. Thompson suggested that the petitioner build HUD houses instead. Ms. Thompson asked if the doctor would be seeing Medicare and Medicaid patients.

Upon motion by Mayor Pro Huffman, seconded by Councilmember Ross, it was resolved unanimously to close the public hearing.

Councilmember Faucette confirmed with Ms. Roberts that she was satisfied with the plans for Conditional zoning. He said that in his opinion the medical facility would improve the neighborhood.

Councilmember Ross moved for the adoption of the following ordinance which includes 20 conditions:

10-03

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property on Flora Avenue for Physician's Office)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from R-6, Residential District, to COI, Conditional Office-Institutional District, subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

Property located on the north side of Flora Avenue approximately 1,000 feet from West Webb Avenue as shown on Alamance County Tax Map 3-5, a portion of Lot 22 consisting of 2.654 acres.

Section 2. That the rezoning from R-6 to COI is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

The use shall be a physician's office.

Development Conditions

All development conditions shall meet requirements for an Office-Institutional District.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance including the following site notes and conditions:

- (1) Owner/developer: Javed Masoud and wife, Ghazala Masoud, 3029 Tanbark Court, Burlington, NC 27215. Daytime phone number: 336-584-4126.
- (2) Site location: 1622 Flora Ave., Burlington, NC 27217.
- (3) Existing zoning on subject properties is R-6.
- (4) Proposed land use on subject property north of zoning line remains R-6, single-family residential; south of zoning line, change to CO-I for satellite clinic. Existing land use for adjacent properties is single-family residential.
- (5) Deed reference: Deed Book 2684, Page 66-69. Plat reference: Plat Book 72, Page 396.

- (6) Tax Map reference: GPIN 8866111639. Old tax ID: 3-5-22.
- (7) Acreage in total tract: 4.281 \pm acres.
- (8) Total number of lots proposed: one.
- (9) Minimum required number of parking spaces: four spaces for each doctor or practitioner.
- (10) Existing house shown from field location.
- (11) Sewer and water shown from field location.
- (12) Driveway will require a North Carolina Department of Transportation driveway permit and be City of Burlington, commercial turnout, detail R-13.
- (13) Proposed 30-foot access easement along Jeffries-Graham Trail will include all improvements for private gravel drive and bank of five water meters at right-of-way of Flora Avenue. This 30-foot easement will include access and utilities.
- (14) Topographical lines shown from graphic overlay of GIS map.
- (15) Road improvements may be necessary in order to mitigate any additional traffic in the future.
- (16) Landscape buffer C to separate Jeffries-Graham Trail and proposed parking lot.
- (17) Jeffries-Graham Trail not to be used to service proposed clinic.
- (18) Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets.
- (19) Any signage to be in accordance with Conditional Office-Institutional standards.
- (20) Construction entrance to be established prior to commencing with work. Jeffries-Graham Trail not to be used for construction entrance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies

provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Faucette, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

CITY MANAGER COMMENTS: 2010-11 Advocacy Plan

City Manager Harold Owen distributed the North Carolina League of Municipalities (NCLM) 2009-2010 Advocacy Agenda. He asked Council to review the items and to be prepared to discuss and adopt it for Burlington at the next Council meeting. Mr. Owen pointed out that in broad terms, the NCLM's agenda reflected most cities' needs.

PUBLIC COMMENT PERIOD

Mr. Tom Boney referred to the item on the proposed Advocacy Agenda relating to "Electronic Notices". Mr. Boney stressed that the option of electronic means to provide public notices for certain public hearings would avoid publishing of upcoming public hearings in a local newspaper. Mr. Boney objected to the regulation of public notification through local newspapers. He stated that knowledge of public hearings would be limited if advertising was limited to electronic notices.

CITY COUNCIL COMMENTS

Councilmember Faucette applauded Dr. Masoud for building a medical facility in the Glen Raven area. He said the area needed growth and that he hoped to see more business development.

Mayor Wall made the following comments:

- Council Retreat - January 28, 2010, from 8:00 AM to 1:30 PM.
- Land Use Plan will not be on the Retreat agenda.

- Funding for Jimmy Combs Memorial is going well.
- North Carolina Department of Transportation Secretary Eugene Conti will be in the Burlington Council Chamber on January 20, 2010, at 10:00 AM for a question and answer session. The meeting was called as a special meeting of the Council because a quorum of Councilmembers would be present.
- Alamance County Area Chamber of Commerce Annual Dinner - January 22, 2010, at 6:00 PM.

ADJOURN:

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk